



# **Government Management Accountability and Performance**

**2009 Report  
March 11, 2010**

- **Participant Safety**
  - Improving Equine and Jockey Safety
  - Random Drug and Alcohol Testing
- **Equine Health and Safety**
  - Veterinary Pre-Race Inspections
  - Veterinary Post-Race Testing
- **Licensing**

# Safety Measures - Participant Safety 1999 - 2009

(All data as of 9/30/2009)



## Analysis

- Most injured workers are Exercise riders
- Next most injured workers are Grooms
- Collecting industrial insurance premiums is not a core function of the WHRC.

## Action Items

Focus participant safety initiatives on exercise riders; and work with HBPA and L&I on preparing trainer to collect hours worked data for 2010 to transition from base rate premiums to hours worked bases by 2012.

### Emerald Downs Claims by License Type

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008*	2009**
Groom	22	17	17	18	18	28	12	19	16	15	19
Exercise Rider	26	42	22	13	25	25	37	37	37	37	23
Pony Rider	5	1	2	1	1	0	1	2	1	0	2
Assistant Trainer	0	1	0	0	0	0	0	0	1	1	2

### Class C Tracks Claims by License Type

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008*	2009**
Groom	0	0	0	1	1	0	0	0	0	1	0
Exercise Rider	0	0	1	0	0	0	0	1	0	2	0
Pony Rider	0	0	1	0	0	0	0	0	0	1	0
Assistant Trainer	0	0	0	0	0	0	0	0	0	0	0

\* Incomplete data. Injured workers have until 12/31/2009 to file a claim

\*\* Incomplete data. Injured workers have until 12/31/2010 to file a claim

# Safety Measures – Improving Jockey and Equine Safety



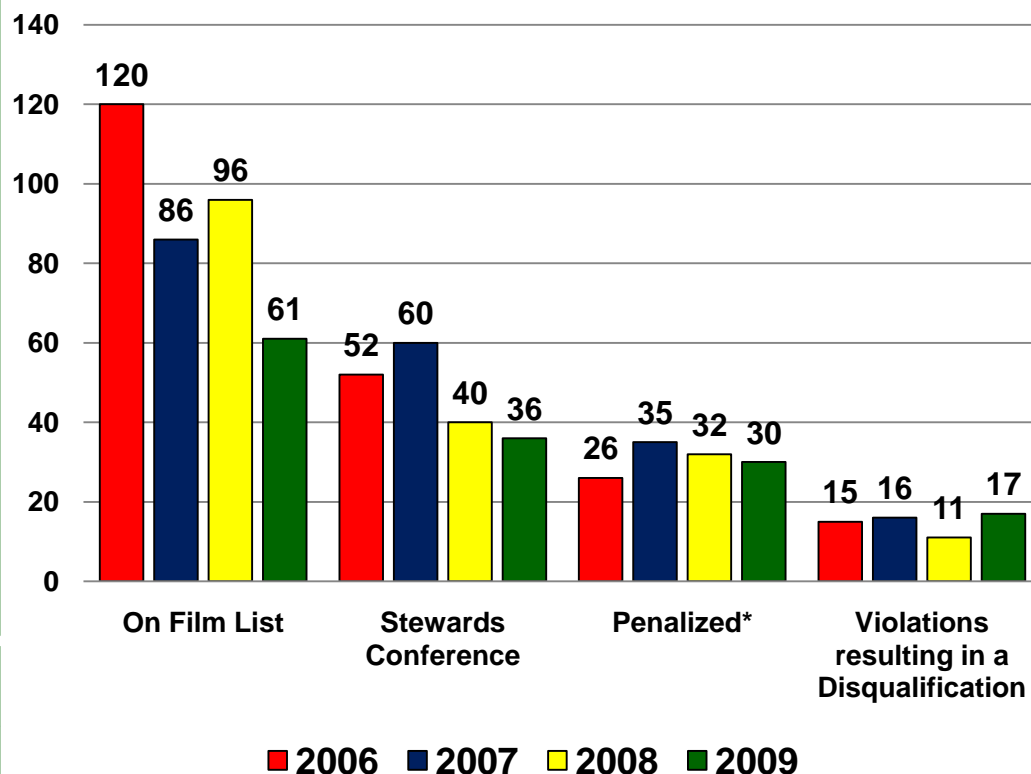
## Analysis

- The Board of Stewards monitor all races to ensure jockeys comply with the *Rules of Racing* regarding proper riding and the races are ran in a manner that provides for the safety and well-being of the equine and human participants.
- Any questionable or unsafe situation will result in the jockey either being sent to the film analyst for review or the stewards for possible discipline. Situations or behaviors that can trigger a film review, stewards' conference or disqualification during a race include: horses bumping or crossing into the path of other horses; a jockey coming off of his/her horse; a jockey improperly using his/her whip; or any other situation that the stewards deem a violation of the rules or safety hazard. Serious riding infractions may result in the jockeys being fined or suspended.

## Action Items

The Board of Stewards will continue to monitor each jockey's riding performance over the racing season utilizing the film analyst for training and Stewards' rulings for more serious/dangerous violations.

## Jockey's Riding Review 2006 - 2009



\*Penalties include suspensions and fines. In 2007 warnings were also counted as penalties.



# Drug and Alcohol Testing Program

In order to protect the interests of the public and safety of the participants in horseracing, the Commission may require a licensee or applicant to provide a breath, blood and/or urine sample when:

The applicant or licensee has a history of alcohol/drug use; or

The applicant is on horseback.

Applicants and licensees in these two categories are tested at random.

Weekly the Equine Licensing and Management System (ELMS) is queried for a random list of names of those applicants and licensees who meet the following criteria:

The names of two applicants or licensees who have a history of alcohol/drug use; and

The names of three applicants or licensees who are licensed as an exercise rider, jockey, apprentice jockey, pony rider, and/or outrider. *(Because of the higher history of injury claims, two of those selected for testing will be persons licensed as exercise riders.)*

In addition, an applicant or licensee can be tested anytime reasonable suspicion exists to believe an applicant or licensee has used or is under the influence of alcohol and/or any drug.

In 2009, WAC 260-34-020 was changed so that the alcohol concentration for persons on horseback may not be 0.02 percent or higher.



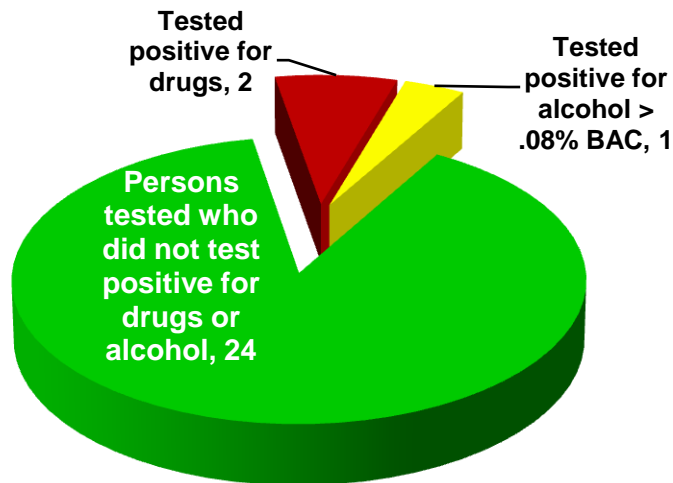
# Drug and Alcohol Testing Program - Penalties

Violations	First Offense	Second Offense	Third Offense	Subsequent Offenses
Having within their body any illegal controlled substance (other than marijuana).	30-day suspension	One-year suspension and referral to the commission for revocation		
Having marijuana within their body.	3-day suspension	30-day suspension	One-year suspension and referral to the commission for revocation	
Being under the influence of or affected by intoxicating liquor.	Warning to one-day suspension	3-day suspension	30-day suspension	One-year suspension and referral to the commission for revocation
Refusing to submit to a drug or alcohol test	One-year suspension and referral to the commission for revocation			

# Safety Measures – Random Drug and Alcohol Testing

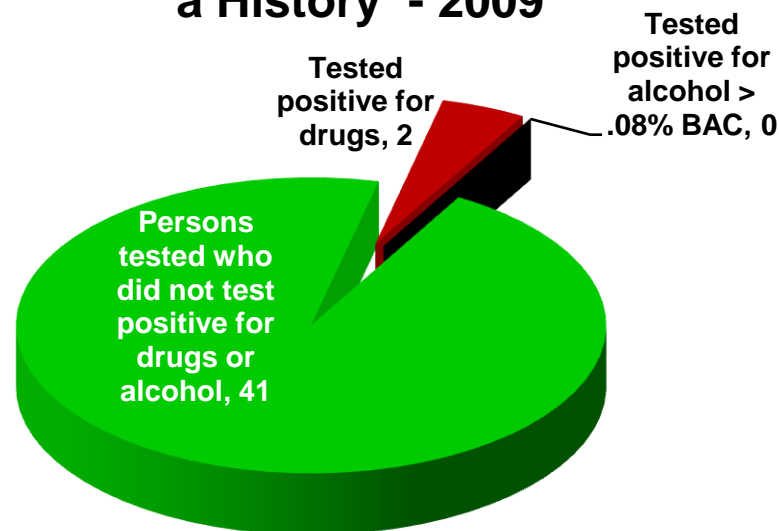
(Licensees with a history of drug or alcohol violations in the past five years WAC 260-34-030)

## Random Testing - Persons with a History - 2008



Total Number of Persons With a History Tested in 2008: **27**

## Random Testing - Persons with a History - 2009



Total Number of Persons With a History Tested in 2009: **43**

### Analysis

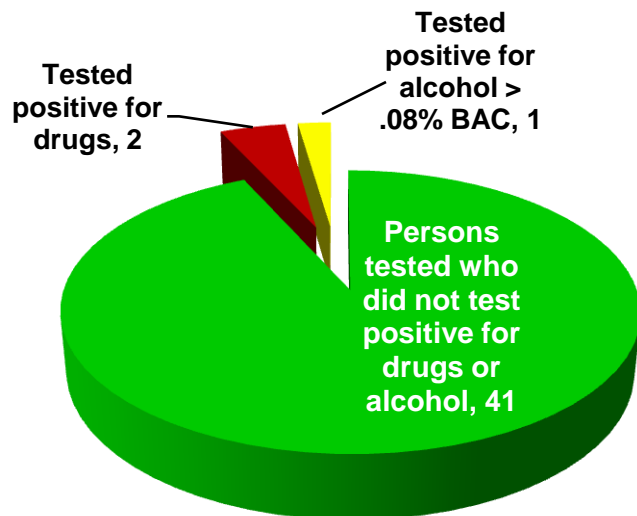
While testing of persons with a documented history of drug or alcohol violations increased almost 60% this year, the number of positives reduced from 11% in 2008 to less than 5% in 2009. This is a good indicator that there has been a decrease in usage by licensees with a history of drug or alcohol violations. In evaluating the random drug/alcohol testing program, it was determined to discontinue random testing of licensees with a documented history.

**Drugs Found 2008: Methamphetamines & Marijuana**

**Drugs Found 2009: Cocaine & Marijuana**

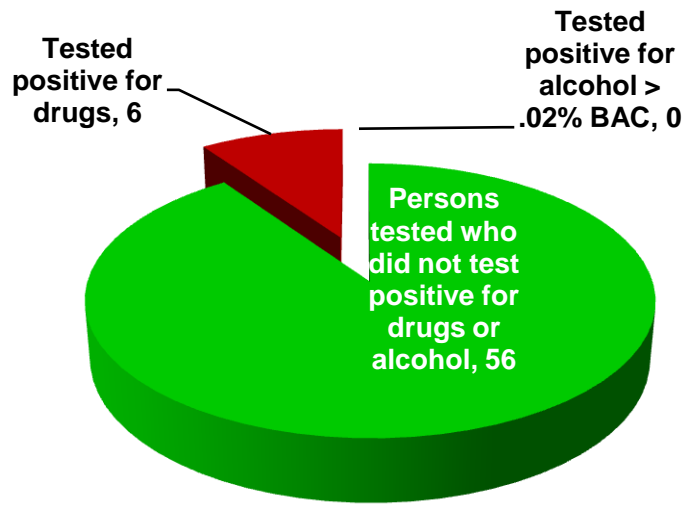
# Safety Measures – Random Drug and Alcohol Testing (Jockeys, Exercise Riders, Pony Riders & Outriders)

## Random Testing - Persons on Horseback - 2008



Total Number of Persons on Horseback  
Tested in 2008: **44**

## Random Testing - Persons on Horseback - 2009



Total Number of Persons on Horseback  
Tested in 2009: **62**

### Analysis

While testing of persons on horseback increased slightly over 40%, the number of positives doubled. While we might assume licensees are more aware of our drug and alcohol testing program, persons on horseback still present challenges to the agency's safety efforts.

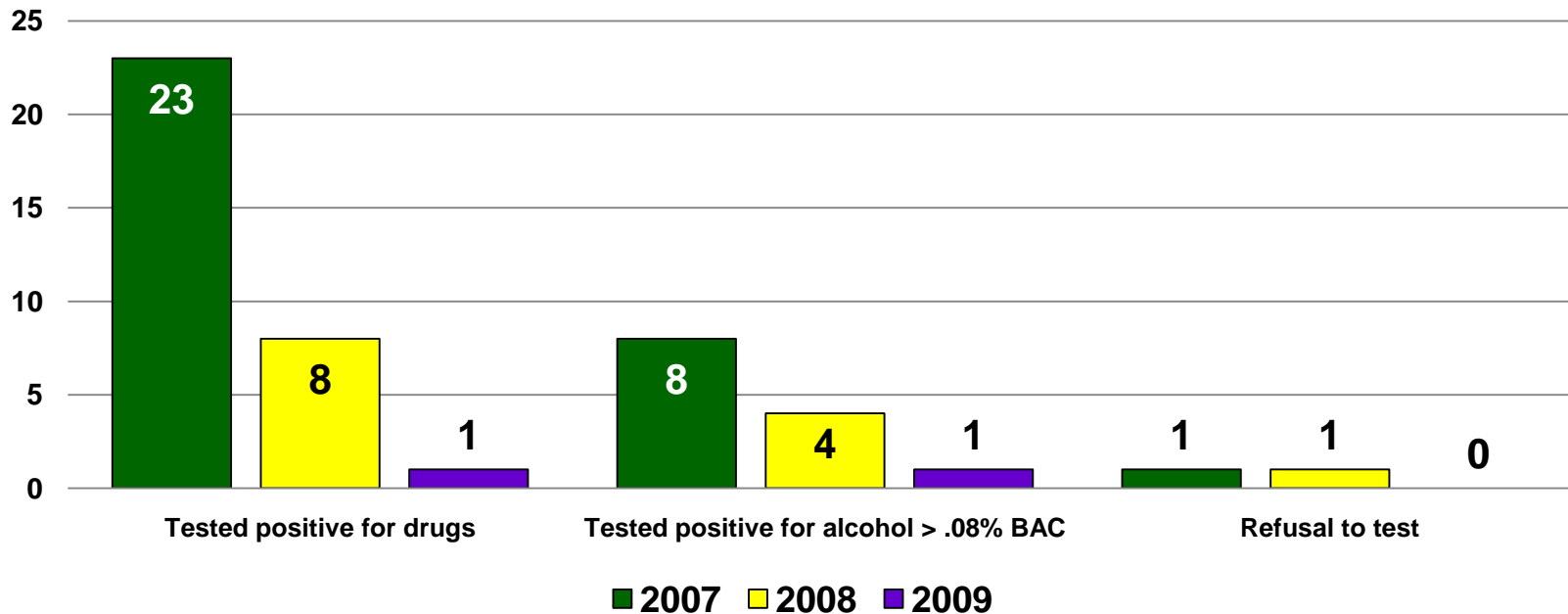
**Drugs Found 2008: Cocaine & Marijuana**

**Drugs Found 2009: Marijuana, Methamphetamine, Cocaine & Benzodiazepine**



# Safety Measures – Drug and Alcohol Testing (Reasonable Suspicion Testing)

## Reasonable Suspicion Testing, 2007 - 2009



### Analysis

The number of persons testing positive in 2009 dropped nearly 85% from 2008. This is another indicator that our licensees are more aware of our drug and alcohol testing program. The agency plans to focus its testing program on licensees who have had conditions placed on their licenses due to drug or alcohol violations.

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**Drugs Found 2007:**  
**Not previously recorded for**  
**GMAP purposes**

**Drugs Found 2008:**  
**Cocaine & Marijuana**

**Drug Found 2009: Marijuana**

# Safety Measures - Veterinarian Pre-Race Inspections



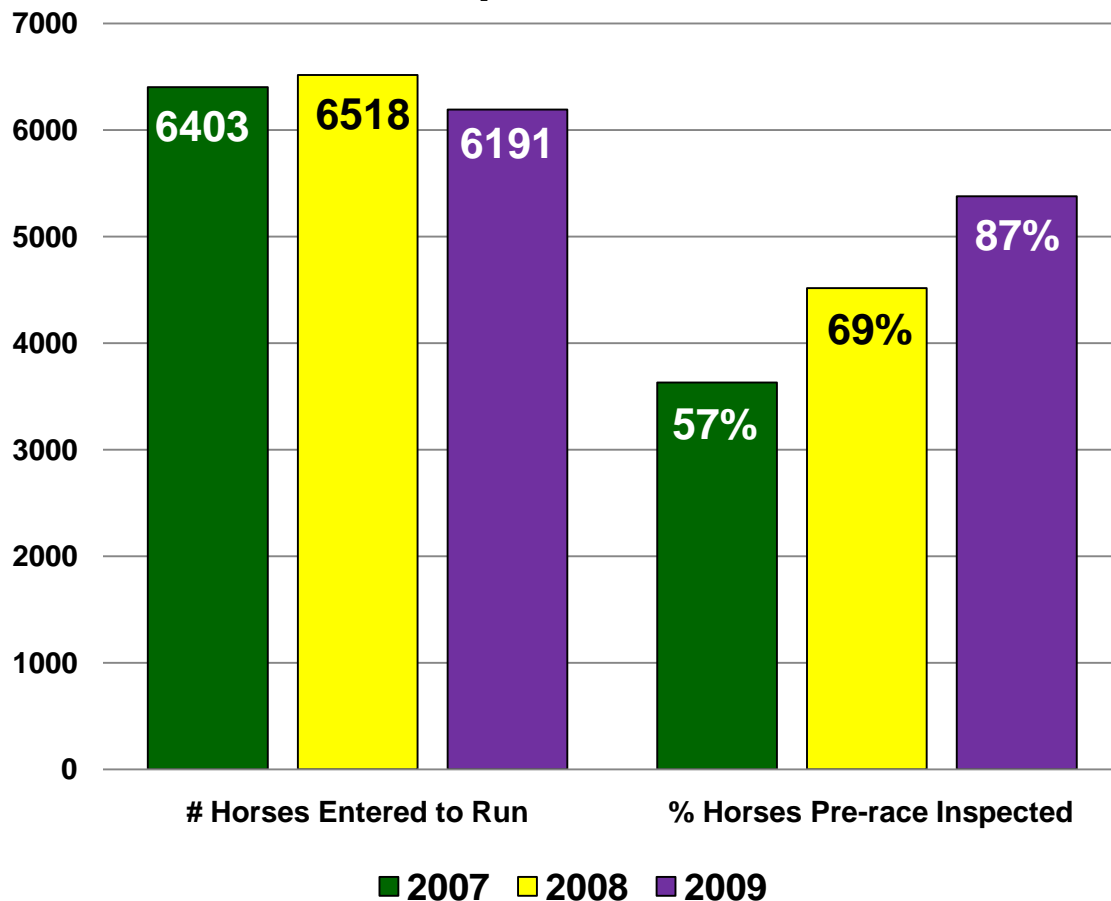
## Analysis

The number of horses entered to run decreased by 5% in 2009 but the percent of horses pre-race inspected increased significantly due to the availability of a second veterinarian.

## Action Items

The WHRC veterinarians will continue to try to increase the number of pre-race inspections through the availability of a full-time second veterinarian in 2010.

Horses Entered to Run vs Horses Pre-race Inspected 2007 - 2009



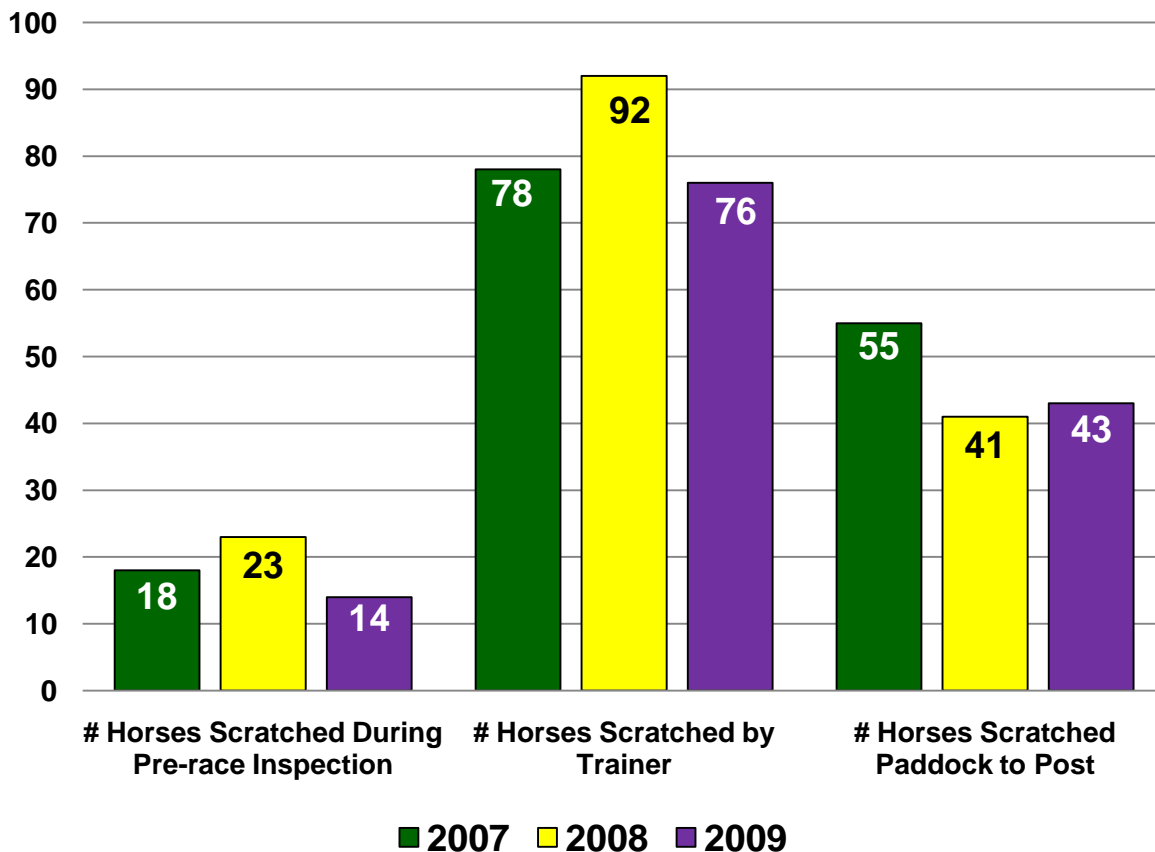
# Safety Measures – WHRC Veterinarian Horses Scratched



## Analysis

- Less than 1% of horses pre-race inspected are scratched by the WHRC veterinarian
- Less than 5% of all horses entered to run are scratched out of the race
- Of the total horses scratched, 40% are scratched by the WHRC veterinarians either during the pre-race inspection or from the paddock to post.
- The number of horses scratched during the pre-race inspection and by the trainer decreased in 2009 while the number of horses scratched from paddock to post stayed approximately the same.

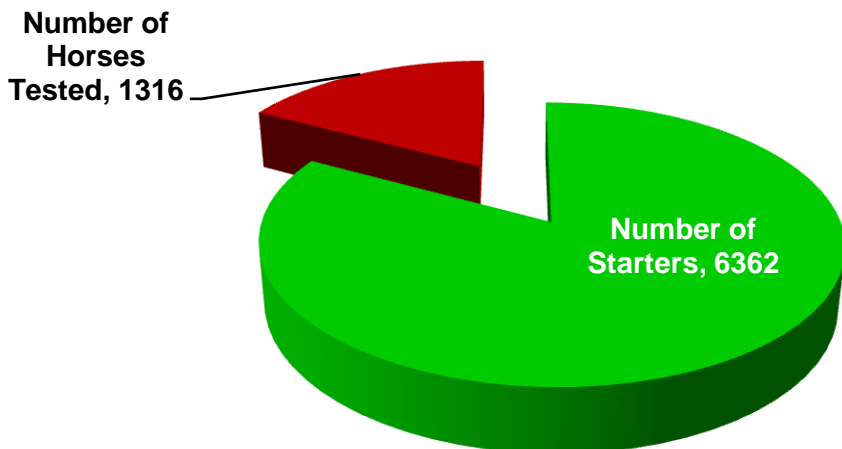
## Number of Horses Scratched 2007 - 2009



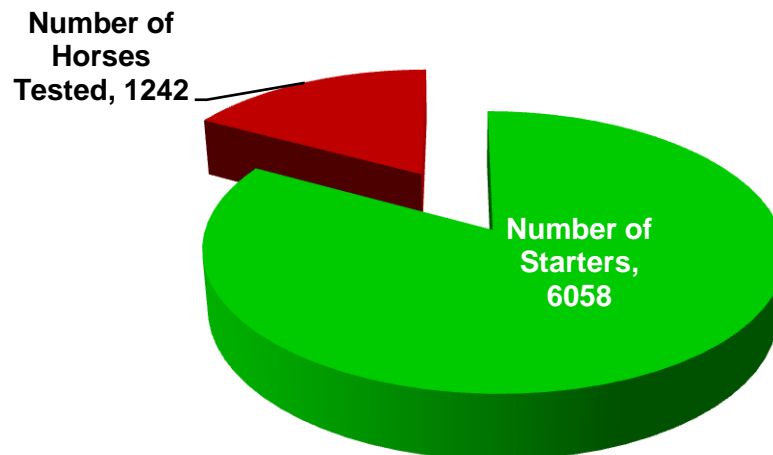
# Safety Measures - Veterinarian Post-Race Testing



**Number of Starters vs Number of Horse Tested - 2008**



**Number of Starters vs Number of Horse Tested - 2009**



## Analysis

Approximately 20% of all horses starting in a race are post-race tested. This includes the winner of each race and others horses selected randomly or by the Board of Stewards.

# Safety Measures - Veterinarian Post-Race Testing



## Analysis

2004: 1,231 horses tested.  
 2005: 1,413 horses tested.  
 2006: 1,262 horses tested.  
 2007: 1,261 horses tested.  
 2008: 1,316 horses tested.  
 2009: 1,242 horses tested.

Of the total horses tested since 2004 less than 1% were found in violation, indicating that trainers and private veterinarians are aware of the medication rules and are properly medicating their horses.

## Special Note

There were two medication violations at the Class C tracks in 2009. *(One trainer had two overages for Phenylbutazone on the same weekend which were combined into one ruling against the trainer. The second violation occurred when a trainer had three flunixin overages over three consecutive race days which were combined into one ruling against the trainer.)*

## Stewards' Rulings on Medication Violations, 2004 – 2009

Violations	2004	2005	2006	2007	2008	2009
Overages of permitted medication	13	22	15	12	14	12
Presence of prohibited substances in post-race sample	1	4	3	4	6	3
Improper medication administration	2	2	4	3	2	1
Failure to deliver forms on time	1	1	1	2	0	0
Presence of contraband in barn area	1	0	1	0	0	0
<b>Totals</b>	<b>18</b>	<b>29</b>	<b>24</b>	<b>21</b>	<b>22</b>	<b>16</b>



**Licensing** – All participants are required to be licensed. All participants are required to provide fingerprints every three years for a criminal background check to determine suitability. In addition, new applicants and applicants whose criminal history has changed are also required to provide fingerprints. All other applicants are 'approved' at the time of licensing.

	Number of Applicants	Number of Fingerprints Taken	Number of Criminal Histories Referred to Investigators	Number of Applicants Referred to Stewards due to Criminal History	Number of Applications Revoked, Denied or Suspended Due to Criminal History	Number of Applicants Granted Temporary Licenses and Referred to the WHRC	Number of Applicants Fined for Failing to List Criminal History	Number of Applicants Given Official Warning/Put on Probation	Number of Conferences Where No Action Was Taken
<b>Class C Race Meets</b>	425	208	9	9	0	4	4	0	1
<b>Emerald Downs</b>	2,898	1,060	210	63	38 <sup>1</sup>	4	0	0	21
<b>2007</b>	<b>3,323</b>	<b>1,268</b>	<b>219</b>	<b>72</b>	<b>38</b>	<b>8</b>	<b>4</b>	<b>0</b>	<b>22</b>
<b>Class C Race Meets</b>	553	200	42	6	4	0	2	0	0
<b>Emerald Downs</b>	2,785	925	98	37	22	0	11	4	0
<b>2008</b>	<b>3,338</b>	<b>1,125</b>	<b>140</b>	<b>43</b>	<b>26</b>	<b>0</b>	<b>13</b>	<b>4</b>	<b>0</b>
<b>Class C Race Meets</b>	503	289	34	2	2	0	0	0	0
<b>Emerald Downs</b>	2,587	831	85	23	5	0	4	1	12
<b>2009</b>	<b>3,090</b>	<b>1,120</b>	<b>119</b>	<b>25</b>	<b>7</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>12</b>

## Analysis

The number of criminal histories referred to the investigators and subsequently to the Stewards continued to drop in 2009. This occurred due to the fact that the majority of applicants renewing their license were fingerprinted in 2006, and their criminal history had already been reviewed.

## Action Items

Security staff will continue to ensure all criminal histories are processed in a timely manner so applicants can be approved or referred to the stewards for further action.

<sup>1</sup> In the 2007 GMAP analysis, licenses revoked due to criminal history based immigration status were not included. This number has been updated to reflect the correct number of suspensions/ denials/revocations.